

JUL 06 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/919,153
Title: Proprietary Information Utility
Applicant(s): James O. Schreckengast et al.
Filing Date: July 31, 2001
Examiner: WALSH, John B
Art Unit: 2151
Atty Docket. No. 10004047-1
Confirmation No. 3204

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants request review of the final rejection of March 6, 2006 in the above-identified application rejecting claims 1-27. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated in the remarks below.

REMARKS**Claims 1-27 35 U.S.C. § 101**

The Final Office Action mailed March 6, 2006 rejected claims 1-27 under 35 U.S.C. 101 stating the claimed invention is directed to non-statutory subject matter. Applicant respectfully requests the review panel to review this 35 U.S.C. 101 rejection of claims 1-27. As per Applicants' previously provided arguments in Applicant's response submitted December 6, 2005 on pages 17, Applicants' claims are directed to statutory subject matter which provides a useful, concrete and tangible result.

Claims 1-27 35 U.S.C. § 102(b)

The Final Office Action mailed March 6, 2006 rejected claims 1-27 under 35 U.S.C. 102(e) as being anticipated by Amazon.com.

Applicant respectfully requests the review panel to review this anticipation rejection of claims 1-27. This application was filed July 31, 2001. However, a specific version of Amazon.com is not identified as being the prior art. The current website is not prior art. Materials descriptive of a version which would qualify as prior art supporting the Examiner's allegations of what is taught needs to be provided. Additionally, as explained in Applicants' previously provided arguments in Applicant's response submitted December 6, 2005 on pages 23-25, each and every element set forth in the claims is not found either expressly or inherently in Amazon.

Conclusion

It is respectfully requested that claims 1-27 be allowed.

Respectfully Submitted on Behalf of Applicants

James O. Schreckengast et al.

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Date: *July 6, 2006*